

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TELINIT TECHNOLOGIES, LLC	§	
	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 2:13-cv-743-JRG
	§	(LEAD CASE)
SPOTIFY USA, INC,	§	
	§	
Defendant/Third-Party Plaintiff	§	
	§	
v.	§	CIVIL ACTION NO. 2:13-cv-803-JRG
	§	(MEMBER CASE)
	§	
GARY ODOM d/b/a PATENT HAWK LLC,	§	
	§	
Third-Party Defendant.	§	

ORDER


Before the Court is Mr. Andrew W. Spangler and the firm Spangler Law P.C.’s Motion to Withdraw as Counsel for Third-party Defendant Gary Odom d/b/a Patent Hawk LLC. (Dkt. No. 54.) Pursuant to the Court’s Order on July 21, 2014, Third-party Defendant Gary Odom d/b/a Patent Hawk LLC filed a notice with the Court attaching various documents issued by the Secretary of State of the State of Oregon, which documents identify Patent Hawk LLC as a “Domestic Limited Liability Company,” rather than an “unincorporated sole proprietorship.” (See Dkt. Nos. 58, 64, 67.) Mr. Odom's prior representations in this regard were clearly erroneous.

“The law is clear that a corporation as a fictional legal person can only be represented by licensed counsel,” and cannot proceed *pro se* in federal courts. *In re K. M. A., Inc.*, 652 F.2d 398,

399 (5th Cir. 1981). “This is so even when the person seeking to represent the corporation is its president and major stockholder.” *Id.* Therefore, Patent Hawk LLC, as a limited liability company, cannot proceed without counsel in this Court. In his motion to withdraw as counsel, Mr. Spangler did not identify any substitute counsel for this third-party Defendant. The Court understands that there is none. As such, the Court cannot, in good conscience, permit Mr. Spangler to withdraw at this time, leaving Patent Hawk LLC without representation. The Court will not knowingly open the door to this party, or any party, engaging in the unauthorized practice of law.

Accordingly, the Court hereby **DENIES WITHOUT PREJUDICE** Mr. Spangler and his law firm’s request to withdraw as counsel for Third-party Defendant Gary Odom d/b/a Patent Hawk LLC. (Dkt. NO. 54.) Mr. Spangler may re-urge this request when proper substitute counsel has been obtained and available to substitute in his place.

So ORDERED and SIGNED this 6th day of August, 2014.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE